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WET AUTOMOTIVE SYSTEMS LTD.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

AMERIGON INC., a Michigan
corporation,

Plaintiff,

v.

W.E.T. AUTOMOTIVE SYSTEMS
LTD., an Ontario corporation,

Defendant.

Case No. CV09-08466 RGK (RCx)

Hon. R. Gary Klausner

**DECLARATION OF ROBERT
KLEIN IN SUPPORT OF W.E.T.'S
MOTION TO DISMISS FOR LACK
OF PERSONAL JURISDICTION
AND IMPROPER VENUE**

Date: March 8, 2010
Time: 9:00 a.m.
Courtroom: 850

DECLARATION OF ROBERT KLEIN ISO
MOTION TO DISMISS, ET AL.

1 I, Robert Klein, in support of W.E.T.'s motion to dismiss, declare:

2 1. I am competent to testify with respect to the subject matter set forth in
3 this declaration based on my personal knowledge.

4 2. I am the Managing Director of Defendant W.E.T. Automotive
5 Systems, Ltd.

6 3. W.E.T. is an Ontario corporation with its headquarters in Windsor,
7 Ontario.

8 4. W.E.T.'s Windsor headquarters are located 11 miles from the United
9 States District Court for the Eastern District of Michigan's Southern Division,
10 which is the Federal Court located in Detroit, Michigan.

11 5. W.E.T. is primarily engaged in the business of developing,
12 manufacturing, and distributing heating systems and accessories for automobile
13 seats.

14 6. The conception, design, and development of the technology of W.E.T.
15 that is accused of infringement (which I will refer to as ActiveCools™) took place
16 mainly in Windsor, Ontario and Michigan. I am aware of no such development
17 activities that took place in California.

18 7. In the course of developing significant aspects of the ActiveCools™
19 technology, and in connection with exploring its commercial applications, W.E.T.
20 worked with Johnson Controls, Inc. ("JCI"). W.E.T. holds rights in a number of
21 resulting patents pertaining to the technology.

22 8. W.E.T. only sells its technology to automobile seat manufacturers
23 such as JCI and Lear Corporation. Those manufacturers incorporate the systems
24 into finished seats, which they in turn sell to the automobile manufacturers.

25 9. From the information available to W.E.T., Amerigon competes for
26 sales of products with W.E.T. in southeastern Michigan. W.E.T.'s customers and
27 potential customers for the ActiveCools™ product are located in Michigan. Thus
28 far, W.E.T. has only sold its ActiveCools™ product directly to JCI, and it is in

1 negotiations with a second customer, Lear Corporation, which is located in
2 Southfield, Michigan. Lear and JCI, in turn, sell W.E.T. and/or Amerigon products
3 to original equipment manufacturers of vehicles.

4 10. Through JCI, ActiveCools™ seating has been placed in only one line
5 of automobiles, General Motors Corporation's vehicles, which are manufactured
6 by General Motors Corporation at its Lansing facility in Delta Township,
7 Michigan. General Motors' vehicles are comprised of the GMC Acadia, Buick
8 Enclave, and Chevrolet Traverse.

9 11. W.E.T. has no offices in California, has not registered to do business
10 in California, has not appointed an agent for service of process in California, has
11 no telephone listings or mailing addresses in California, has not developed,
12 manufactured, stored, or sold its products in California, has not initiated any
13 lawsuits in California, has no employees in California, does not own any real
14 property in California, has never advertised or marketed its products in California,
15 and does not hold any bank accounts in California.

16 12. Although W.E.T. maintains a website on the Internet that provides
17 information about its services, it does not offer any services or goods through its
18 website, and customers cannot order from its website.

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1 13. Amerigon has its World Headquarters in southeastern Michigan at 21680 Haggerty Road
2 Suite 101, Northville, MI 48167. According to Amerigon's website,
3 <http://www.amerigon.com/history.php>, Amerigon moved its headquarters to Michigan from California in
4 2005.

5 14. The electronic and documentary evidence and the main witnesses that will be significant
6 in defending this lawsuit are located in Michigan or Ontario, Canada, and not in California.

7 15. A number of witnesses that will be important to the defense of W.E.T. are persons who
8 are not employed by W.E.T., but rather are employed by a customer or vendor of W.E.T.

9 16. W.E.T. and Amerigon have had many discussions regarding Amerigon's allegations in
10 this Complaint, and except for a few meetings with the CEO of W.E.T.'s parent company, W.E.T. AG, all
11 of these discussions and negotiations have taken place in Michigan and Ontario.

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct.

14
15 Executed on this 7th day of February, 2010, at Windsor, Ontario

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18 Robert Klein
19 Managing Director
20 W.E.T. Automotive Systems, Ltd.
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